

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 14 TO DIVISION 3 OF TITLE 3 AND ADDING SUBSECTION 16.0213B(b)(17) TO CHAPTER 2 OF DIVISION 6 OF TITLE 1, ALL OF THE SAN BERNARDINO COUNTY CODE, RELATING TO INSPECTION GRADING OF FOOD ESTABLISHMENTS.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 14 is added to Division 3 of Title 3 of the San Bernardino County Code, to read:

CHAPTER 14

INSPECTION GRADING OF FOOD ESTABLISHMENTS

Sections:

- 33.1401 Authority.
- 33.1402 Food Program Official Inspection Report.
- 33.1403 Grading.
- 33.1404 Notice of Closure.
- 33.1405 Routine Inspection.
- 33.1406 Posting Requirements – Penalty for Non-Compliance – Documents Available for Public Review.
- 33.1407 Letter Grade Card – Period of Validity.

33.1401 Authority.

Pursuant to the authority cited in Chapter I (Authority and Administration) and Chapter 4 (Food Protection) of Division 3 of Title 3 of the San Bernardino County Code (hereinafter referred to as the "Code"), as well as Health and Safety Code section 113715, food establishments shall be subject to a grading system as provided in this Chapter. All provisions of Chapters 1, 2, and 3 of this Division shall apply to this Chapter except as otherwise provided herein.

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2 **33.1402 Food Program Official Inspection Report.**

3 Food Program Official Inspection Report ("OIR") means the written report prepared
4 and copy issued to a food establishment by the "Director" of the Division of
5 Environmental Health Services, Department of Public Health, as defined in subsection
6 33.0115(c), or his designee, ("health official") after conducting a Routine Inspection of a
7 food establishment to determine compliance with all applicable federal, state, and local
8 laws and regulations relating to the protection of public health. For purposes of this
9 Chapter only, "food establishment" [as defined in subsection 33.042(c)] shall mean only a
10 retail food establishment at a permanent location.
11

12 **33.1403 Grading.**

13 (a) "Grade" means the letter grade issued by the health official at the
14 conclusion of the Routine Inspection of a food establishment. The grade shall be based
15 upon the scoring method set forth in this section resulting from the OIR and shall reflect
16 the food establishment's degree of compliance with all applicable federal, state, and
17 local laws and regulations relating to the protection of public health.

18 (b) "Letter Grade Card" means a card that shall be posted by the health official
19 at a food establishment upon completion of a Routine Inspection that indicates the letter
20 grade of the food establishment as determined by the health official using the scoring
21 method set forth in this section and includes an Inspection Summary Report, as shown by
22 Figures 1 through 3. An Inspection Summary Report is a summary of the OIR as defined
23 in section 33.1402.

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Inspection Summary Report

For: _____
Address: _____

GRADE



BLUE

☐ NO CORRECTIVE ACTION REQUIRED
☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

<input type="checkbox"/> Food Handling	<input type="checkbox"/> Equipment Sanitation
<input type="checkbox"/> Food Temperature	<input type="checkbox"/> Equipment Maintenance
<input type="checkbox"/> Food Storage	<input type="checkbox"/> Facility Sanitation
<input type="checkbox"/> Food Source & Labeling	<input type="checkbox"/> Facility Maintenance
<input type="checkbox"/> Water Supply & Temperature	<input type="checkbox"/> Restrooms
<input type="checkbox"/> Utensil Washing & Sanitizing	<input type="checkbox"/> Pest Control
<input type="checkbox"/> Employee Practices	<input type="checkbox"/> Waste Management

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT.

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33.1406(c)

San Bernardino County Department of Public Health, Division of Environmental Health Services
390 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415
(909) 387-4111

FIGURE 1
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FIGURE 1

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Inspection Summary Report

For: _____
Address: _____

GRADE

B

GREEN

☐ NO CORRECTIVE ACTION REQUIRED
☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

<input type="checkbox"/> Food Handling	<input type="checkbox"/> Equipment Sanitation
<input type="checkbox"/> Food Temperature	<input type="checkbox"/> Equipment Maintenance
<input type="checkbox"/> Food Storage	<input type="checkbox"/> Facility Sanitation
<input type="checkbox"/> Food Source & Labeling	<input type="checkbox"/> Facility Maintenance
<input type="checkbox"/> Water Supply & Temperature	<input type="checkbox"/> Restrooms
<input type="checkbox"/> Utensil Washing & Sanitizing	<input type="checkbox"/> Pest Control
<input type="checkbox"/> Employee Practices	<input type="checkbox"/> Waste Management

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33.1406(c)

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380 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415
(909) 387-1111

FIGURE 2

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FIGURE 2

Inspection Summary Report

For: _____

Address: _____

GRADE

C

RED

☐ NO CORRECTIVE ACTION REQUIRED

☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

<input type="checkbox"/> Food Handling	<input type="checkbox"/> Equipment Sanitation
<input type="checkbox"/> Food Temperature	<input type="checkbox"/> Equipment Maintenance
<input type="checkbox"/> Food Storage	<input type="checkbox"/> Facility Sanitation
<input type="checkbox"/> Food Source & Labeling	<input type="checkbox"/> Facility Maintenance
<input type="checkbox"/> Water Supply & Temperature	<input type="checkbox"/> Restrooms
<input type="checkbox"/> Utensil Washing & Sanitizing	<input type="checkbox"/> Pest Control
<input type="checkbox"/> Employee Practices	<input type="checkbox"/> Waste Management

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33.1406(c)

San Bernardino County Department of Public Health, Division of Environmental Health Services
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415
(951) 387-1111

FIGURE 3

HP 99999

FIGURE 3

(c) Any food establishment that fails to attain at least a “B” grade, as defined herein, shall be issued written notice, through an OIR, by the health official. The food establishment must correct the deficiencies listed in the OIR and must file a written request for a re-score inspection with the health official within 30 days of the OIR. A re-score inspection shall be conducted by the health official and be subject to a re-score inspection fee as provided in the Code, Schedule of Fees. The health official will complete the re-score inspection within ten (10) County business days of food establishment's filing of a written request for a re-score inspection. A food establishment failing to comply with the OR, or failing to attain at least a “B” grade on the re-score

1 inspection, may be immediately closed by the health official and remain closed until at
2 least a "B" grade is achieved on a re-score inspection. Nothing in this provision shall
3 prohibit the health official from immediately closing any food establishment if, at his
4 discretion, immediate closure is necessary to protect the public health.

5 (d) The letter grade shall be based upon the final numerical percentage score
6 set forth in the OIR as follows:

7 (1) A grade of "A" shall indicate a final score of ninety percent (90%) or
8 higher, as determined by the health official;

9 (2) A grade of "B" shall indicated a final score of eighty-nine percent
10 (89%) but not less than eighty percent (80%), as determined by the health official;

11 (3) A grade of "C" shall indicate a final score of seventy-nine percent
12 (79%) but not less than seventy percent (70%), as determined by the health official.

13 14 **33.1404 Notice of Closure.**

15 "Notice of Closure" means a public notice that shall be posted by the health official
16 at a food establishment upon suspension or revocation of the food establishment's public
17 health permit and that results in the closure of the food establishment and the
18 discontinuance of all operations of the food establishment, by order of the health official,
19 because of violations of applicable federal, state, and local laws and regulations relating
20 to the protection of public health. The Notice of Closure shall remain posted until
21 removed by the health official. Removal of the Notice of Closure by any person other than
22 the health official or the refusal of a food establishment to close upon issuance of the
23 written notice of suspension of the public health permit is a violation of this Chapter and
24 may result in the revocation of the food establishment's public health permit and shall be
25 punishable as specified in section 33.0112 of this Code.

26 27 **33.1405 Routine Inspection.**

28 "Routine Inspection" means an unannounced inspection of any food establishment

1 to determine compliance with all applicable federal, state, and local laws and regulations
2 relating to the protection of public health. A Routine Inspection shall not mean an
3 inspection conducted by the health official to determine compliance with a previously
4 issued OIR or any interim inspection conducted to determine compliance with specific
5 regulations or legal requirements.
6

7 **33.1406 Posting Requirements – Penalty for Non-Compliance – Documents**
8 **Available for Public Review.**

9 (a) Upon completion of the Routine Inspection, the health official shall post at
10 every food establishment the Letter Grade Card, so as to be clearly visible to the general
11 public and to patrons entering the food establishment. “Clearly visible to the general
12 public and to patrons” shall mean:

13 (1) Posted in the front window of the food establishment within five (5)
14 feet of the front door;

15 (2) Posted in a display case mounted on the outside front wall of the
16 food establishment within five (5) feet of the front door; or

17 (3) Posted in a location approved by the health official to ensure proper
18 notice to the general public and to patrons.

19 (b) In the event that a food establishment is operated in the same building or
20 space as a separately licensed or permitted business, or in the event that a food
21 establishment shares a common patron entrance with a separately licensed or permitted
22 business, or in the event of both, the health official shall post the Letter Grade Card, in the
23 initial patron contact area, or in a location approved by the health official.

24 (c) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden
25 or removed. It shall be unlawful to operate a food establishment unless the Letter Grade
26 Card is posted. Removal of the Letter Grade Card is a violation of this Chapter and may
27 result in the suspension or revocation of the public health permit and shall be punishable
28 as specified in section 33.0112 of this Code.

1 (d) The OIR upon which the Letter Grade Card is based shall be maintained at
2 the food establishment and shall be available to the general public and to patrons for
3 review upon request. The food establishment shall keep the OIR until such time as the
4 health official completes the next Routine Inspection of the food establishment and issues
5 a new OIR.
6

7 **33.1407 Letter Grade Card – Period of Validity.**

8 A Letter Grade Card shall remain valid until the health official completes the next
9 Routine Inspection of the food establishment. A re-score inspection is a complete
10 Routine Inspection that may be required of (as provided in subsection 33.1403(c)), or
11 requested by, the food establishment.
12

13 (a) A re-score inspection shall be conducted by the health official following the
14 filing of a re-score inspection request form. In accordance with the Code, Schedule of
15 Fees, the re-score inspection fee must be paid by the food establishment upon demand
16 by the health official.

17 (b) At the conclusion of the re-score inspection of the food establishment the
18 Letter Grade Card shall be issued based upon the scoring method set forth in this
19 Chapter resulting from the OIR.

20 (c) A requested re-score inspection is separate and independent of all re-
21 inspections of critical violations as determined by the health official.

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27 SECTION 2. Subsection 16.0213B(b)(17) is added to Chapter 2 of Division 6 of
28 Title 1 of the San Bernardino County Code, to read:

1 **16.0213B Health Services - Environmental.**

2 (b) Food/Recreational Health Program Fee:

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4 (17) Re-score Inspection\$52.00/hr.
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6 SECTION 3. This ordinance shall become effective thirty (30) days from the date of
7 adoption and its provisions shall become operative on October 1, 2004.
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9 _____
10 DENNIS HANSBERGER, Chairman
11 Board of Supervisors

12 SIGNED AND CERTIFIED THAT A COPY
13 OF THIS DOCUMENT HAS BEEN DELIVERED
14 TO THE CHAIRMAN OF THE BOARD

15 J. RENEE BASTIAN, Clerk of the Board of Supervisors
16 _____

17 STATE OF CALIFORNIA)
18)ss.
19 COUNTY OF SAN BERNARDINO)

20 I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San
21 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
22 Supervisors of said County and State, held on the _____ day of _____, 2004, at
which meeting were present Supervisors: _____

23 _____
24 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
wit:

25 AYES: SUPERVISORS:

26 NOES: SUPERVISORS:

27 ABSENT: SUPERVISORS:
28

1 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
2 of the Board of Supervisors this ____ day of _____, 2004.

3 J. RENEE BASTIAN, Clerk of the Board of
4 Supervisors of the County of San Bernardino,
State of California

5 _____
6 Deputy

7 Approved as to Form
8 Ronald D. Reitz, County Counsel

9 By: _____
Deputy

10 Date: _____
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